

EXHIBIT A

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12 Attorneys for Defendants, CITY OF
13 ANAHEIM, JORGE CISNEROS; PAUL
DELGADO; BRETT HITMAN; KENNETH
WEBER; and CAITLIN PANOV

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

17 || JOHANNA LOPEZ, et al.,

Case No.: 8:22-cv-01351-JVS-ADS

18 Plaintiffs,

DEFENDANT CITY OF ANAHEIM'S INITIAL DISCLOSURES

20 CITY OF ANAHEIM; CITY OF
21 SANTA ANA; DAVID VALENTIN;
22 JORGE CISNEROS; PAUL
23 DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; Does 1-10., .

Scheduling Conf.
Date: October 17, 2022
Time: 10:30 a.m.
Ctrm: 10C

24 Defendants.

Action Filed: July 21, 2022
Trial Date: None set

26 Pursuant to FRCP 26(a)(1), Defendants, CITY OF ANAHEIM, JORGE
27 CISNEROS; PAUL DELGADO; BRETT HITMAN; KENNETH WEBER; and
28 CAITLIN PANOV, makes the following initial disclosures:

1 1. Witnesses. Defendants' witnesses are:

2 All Witnesses identified in APD Police Reports GO# 2021-142831 (OIS
3 open investigation), GO#21-142757 (stolen vehicle report), Santa Ana Police
4 Report #21-020830, OCDA OIS Investigation #21-004162 (not complete), DOJ
5 #BI-RI2021-00030 (OIS not complete), Crime Lab FR #21-52738 and Coroner's
6 Report #21-05765-MT, including, but not limited to:

7 1) Paul Delgado, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
8 765-1900

9 2) Kenneth Weber, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
10 765-1900

11 3) Catalin Panov, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
12 765-1900

13 4) Brett Heitmann, former APD Police Officer, 425 S. Harbor Blvd.,
14 Anaheim, CA 92005, (714) 765-1900

15 5) Jorge Cisneros, APD Chief of Police, 425. S. Harbor Blvd., Anaheim,
16 CA 92805 (714) 765-1900

17 6) Garret Melberg, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
18 765-1900

19 7) Phillip Vargas, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
20 765-1900

21 8) Ricky Reynoso, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
22 765-1900

23 9) Brandon Mullins, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
24 (714) 765-1900

25 10) Ernesto Sena, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
26 765-1900

27 11) Frank Ramirez, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
28 (714) 765-1900

1 12) James Lopez, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
2 765-1900
3 13) Steve Salicos, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
4 765-1900
5 14) Michael Williams, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
6 (714) 765-1900
7 15) Curt Ledesma, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
8 765-1900
9 16) Brent Sporn, 370 S. Wilde St., Anaheim, CA 92802 (714) 240-3473
10 17) OCFA Captain/Paramedic Christopher Jaime, 120 W. Walnut St.,
11 Santa Ana, CA 92701 (714) 567-3255
12 18) Kenny Aguilar, SAPD Officer, 60 Civic Center Plaza, Santa Ana, CA
13 92701 (714) 245-8665
14 19) Nelson Menendez, SAPD Officer, 60 Civic Center Plaza, Santa Ana,
15 CA 92701 (714) 245-8665
16 20) Luis Galeana, SAPD Corporal, 60 Civic Center Plaza, Santa Ana, CA
17 92701 (714) 245-8049
18 21) Manuel Pardo, SAPD Officer, 60 Civic Center Plaza, Santa Ana, CA
19 92701 (714) 245-8049
20 22) Sergio Martinez, SAPD Officer, 60 Civic Center Plaza, Santa Ana, CA
21 92701 (714) 245-8049
22 23) Randy Lucio, 1245 W. Santa Ana Blvd., Santa Ana, CA 92703, (714)
23 542-8428
24 24) Dr. Yong-son Kim, OC Coroner's Office, 1071 W. Santa Ana Blvd.,
25 Santa Ana, CA 92703
26 25) Vanessa Havro, OC Crime Lab, 320 N. Flower St., Santa Ana, CA
27 92703 (714) 834-4510
28 26) Sharon Mae Marissa Cortez, 678 S. Breezy Way, Orange, CA 92869

1 (714) 473-2635
2 27) Alex Hernandez Cortez, 678 S. Breezy Way, Orange, CA 92869 (714)
3 814-5358
4 28) Jeff Mundy, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
5 765-1900
6 29) Jimmy Elliott, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
7 765-1900
8 30) Michael Dohmann, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
9 (714) 765-1900
10 31) Anthony McGlade, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
11 (714) 765-1900
12 32) Nathaniel Cox, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
13 765-1900
14 33) John Duran, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
15 765-1900
16 34) Mark Gell, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
17 765-1900
18 35) Jared Dewald, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
19 765-1900
20 36) Shane Spielman, APD, 425 S. Harbor Blvd., Anaheim, CA 92005,
21 (714) 765-1900
22 37) Sonia Ceniceros, 317 E. La Palma Ave. Anaheim, CA 92801 (714)
23 737-9232
24 38) Rossi Elena Ceniceros, 814 S. Dakota St. Anaheim, CA 92805 (714)
25 678-8952
26 39) Joseph Gross, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
27 765-1900
28 40) Antonio Lopez, Plaintiff

1 41) Johnanna Lopez, Plaintiff
2 42) April Rodriguez, Plaintiff
3 43) Rachel Perez, Plaintiff
4 44) Rocio Flores, Plaintiff
5 45) Minor Plaintiffs M.R., B.L., J.L., and S.L.
6 46) David Valentin, SAPD Chief of Police, 60 Civic Center Plaza, Santa
7 Ana, CA 92701
8 47) Ryan Hunter, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
9 765-1900
10 48) Brian Leist, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
11 765-1900
12 49) Jeff Hemerson, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
13 765-1900
14 50) Eric Trapp, APD, 425 S. Harbor Blvd., Anaheim, CA 92005, (714)
15 765-1900
16 51) Abelardo Oropeza, SAPD Sgt., 60 Civic Center Plaza, Santa Ana, CA
17 92701
18 52) Johnathan Hernandez, SA City Councilmember, 22 Civic Center
19 Plaza, Santa Ana, CA 92701 (714) 647-6900
20 53) All Witnesses disclosed by the Plaintiffs and Co-Defendants.
21 2. Documents. Defendants provide the following description of their
22 documents required by FRCP 26(a)(1)(B):
23 The complete APD Police Report GO# 2021-142831 (OIS open
24 investigation), GO#21-142757 (stolen vehicle report) and DOJ #BI-R!2021-
25 00030 (OIS investigation not complete)/OCDA Investigation #21-004162 (OIS
26 investigation not complete), will be produced to Plaintiffs' counsel once
27 completed and a Protective Order is entered by the Court, including, but not
28 limited to the following documents:

- 1) OCDA #21-004162 (OIS Investigation, not complete)
- 2) DOJ #BI-RI2021-00030 (OIS Investigation/Report, not complete)
- 3) SAPD #21-020830
- 4) Interview of APD Inv. Garrett Melberg
- 5) Interview of APD Inv. Phil Vargas
- 6) Interview of APD Inv. Ricky Reynoso
- 7) Interview of OCFA Captain/Paramedic Christopher Jaime
- 8) Interview of APD Officer Brandon Mullins
- 9) Interview of APD Officer Ernesto Sena
- 10) Interview of SAPD Officer Kenny Aguilar
- 11) Interview of SAPD Officer Nelson Menendez
- 12) Interview of APD Officer Frank Ramirez
- 13) Interview of APD Officer James Lopez
- 14) Interview of APD Officer Steve Salicos
- 15) Interview of APD Officer Mike Williams
- 16) Interview of SAPD Corporal Luis Galeana
- 17) Interview of APD Sgt. Curt Ledesma
- 18) Interview of SAPD Officer Manuel Pardo
- 19) Interview of SAPD Officer Sergio Martinez
- 20) Interview of witness Brentt Sporn
- 21) Interview of witness Randy Lucio
- 22) Black Guess bag and plastic water bottle-OC Crime Lab
- 23) Handwritten Suicide Note/photo-OC Crime Lab
- 24) Drug Paraphernalia-OC Crime Lab
- 25) Autopsy Report by Coroner Yong-son Kim Case #21-05765-TM
- 26) OC Crime Lab Reports FR#21-52851, including, but not limited to,

- 1 28) Post Embalming Photos (54) OC Crime Lab
- 2 29) Officer Processing Photos (108) OC Crime Lab
- 3 30) Scene Photos (117) OC Crime Lab
- 4 31) Scene Photos (289) OC Crime Lab
- 5 32) Vehicle Processing Photos (47) OC Crime Lab
- 6 33) Aerial Photos/Videos by SAPD
- 7 34) GO#21-142831 (OIS open investigation)
- 8 35) CAD 21-142831
- 9 36) GO#21-142757 (stolen vehicle report)
- 10 37) CAD 21-142757
- 11 38) APD BWC-Officers Paul J. Delgado, Catalin M. Panov, Kenneth A.
12 Weber, and Sgt. Mundy, John Duran, James R. Elliott (Angel
13 helicopter video), Vicent Nguyen, Ryan Hunter, James Lopez, Dale
14 Miller, Anthony McGlade, Brandon Mullins, Ernesto J. Sena, Michael
15 R. Dohmann, Michael Williams, Frank Ramirez, Nathaniel Cox, Randy
16 N. Sany, Patrick Bradley, Phillip M. Vargas, Ricardo Reynoso,
17 Lorenzo Uribe and Joseph Gross
- 18 39) Booking Photos of Brandon Lopez
- 19 40) Criminal history-Brandon Lopez, including, but not limited to,
20 OCSC Cases 21NF0446, 20NM01327, 19WM05718 and 17NM08088
21 and related Warrants.
- 22 41) Critical Incident Video #21-142831:
23 <https://www.youtube.com/watch?v=iLmnmgeHik&t=258s>
- 24 42) Interview of Officer Panov by Special Agents Estrada and Cryar
- 25 43) Interview of Officer Weber by Special Agents Estrada and Carlos
- 26 44) Interview of Officer Delgado by Special Agents Cryar and Carlos
- 27 45) Interview of Officer Heitmann by Special Agents Black and Estrada
- 28 46) APD Dispatch audio

1 47) APD Radio traffic
2 48) 2-Orange-3 Radio traffic audio
3 49) OC Crime Lab Reports FR #219-52738
4 50) OnSceneTV video by Brent Sporn
5 51) APD GO#2021-6797 (211 PC Robbery)
6 52) Declaration in Support of Arrest Warrant (GO#21-6797)
7 53) APD GO#2021-11552 (211 PC Robbery)
8 54) APD GO#2021-13451 (211 PC Robbery)
9 55) APD GO#2021-14211 (211 PC Robbery)
10 56) APD GO#2020-17378 (Domestic Violence)
11 57) SAPD Report 2021-20827
12 58) SAPD Traffic Collision Report 2021-20871
13 59) SAPD CAD
14 60) SAPD BWC (numerous officers, including, but not limited to Sgt.
15 Oropeza, Officers Sanudo, Hatziefstratiou, Arias).
16 61) SAPD Drone Photos and Videos
17 62) SAPD Scene Photos
18 63) OCFA Report Incident #21-119028
19 64) All Documents disclosed by the Plaintiffs and Co-Defendants.

20 3. Damages. None, except costs and attorney's fees.
21 4. Insurance. Defendant City of Anaheim is self-insured for \$1
22 million.

23 Defendants maintain the right to supplement these disclosures to the extent
24 new witnesses, documents and evidence may be obtained or discovered during
25 the discovery process. Pursuant to the Court's entry of a protective order in this
26 action and completion of the investigations, Defendants will amend their initial
27 disclosures and send a copy of the completed DOJ/DA's investigations and APD
28 reports/BWCs to Plaintiffs' counsel.

1 Dated: October 10, 2022

ROBERT FABELA, CITY ATTORNEY

2

3

Bv: /s/ Moses W. Johnson, IV

4

Moses W. Johnson, IV
Assistant City Attorney
Attorneys for Defendants
CITY OF ANAHEIM, JORGE
CISNEROS; PAUL DELGADO;
BRETT HITMAN; KENNETH WEBER;
and CAITLIN PANOV

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PROOF OF SERVICE

Lopez v. City of Anaheim;

USDC, Central Dist. Case No.: 8:22-cv-01351-JVS-ADS

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 200 S. Anaheim Boulevard, Suite 356, Anaheim, California 92805.

On October 10, 2022, I served the foregoing document described as:
DEFENDANT CITY OF ANAHEIM'S INITIAL DISCLOSURES

on interested parties in this action by placing the original/a true copy thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

- BY MAIL: As follows: I am readily familiar with the City's practice of collection and processing correspondence for mailing with the U.S. Postal Service. Under that practice correspondence is deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Anaheim, California in the ordinary course of business. The correspondence described above was placed for deposit at 200 S. Anaheim Boulevard, Anaheim, California 92805, on the date set forth above.
- BY ELECTRONIC MAIL TRANSMISSION: By electronic mail submission by transmitting a PDF format copy of such document(s) to each such person at the email addresses listed. The document(s) was transmitted by electronic transmission and such transmission was reported as complete and without error.
- BY FACSIMILE: I caused the contents of said envelope to be delivered by facsimile transmission to the above addressee(s).
- BY METHOD OF OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered via Express Mail or other method of delivery providing for overnight delivery to the addressee(s) designated.

I declare under penalty of perjury that the above is true and correct.

Executed at Anaheim, California.

/s/ Maria Segovia

Maria Segovia

SERVICE LIST

Lopez v. City of Anaheim;
USDC, Central Dist. Case No.: 8:22-cv-01351-JVS-ADS

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14 Attorneys for DEFENDANTS CITY OF
15 ANAHEIM, et al.

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

18 ANTONIO LOPEZ, individually;
19 JOHANNA LOPEZ, individually;
20 M.R., by and through his guardian ad
21 litem, April Rodriguez, individually and
22 as successor in interest to Brandon
23 Lopez; B.L. and J.L., by and through
24 their guardian ad litem Rachel Perez,
25 individually and as successor in interest
to Brandon Lopez; S.L., by and through
his guardian ad litem, Rocio Flores,
individually and as successor in interest
to Brandon Lopez,

Plaintiffs,

vs.

CITY OF ANAHEIM; CITY OF
SANTA ANA; DAVID VALENTIN;
JORGE CISNEROS; PAUL
DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351
[Assigned for All Purposes to: Hon.
James V. Selna]

**DEFENDANT CITY OF
ANAHEIM'S RESPONSES TO
PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS,
SET ONE**

Non-Expert DCO: 02/16/2024
Trial Date: 05/14/2024

132349857.1

PROPOUNDING PARTY: Plaintiff ANTONIO LOPEZ

2 | RESPONDING PARTY: Defendant CITY OF ANAHEIM

SET NO.: ONE

Defendant CITY OF ANAHEIM (“Defendant” or “Responding Party”) hereby provides its Responses to Plaintiff’s Requests for Production of Documents, Set One, pursuant to Rule 34 of the Federal *Rules of Civil Procedure*.

PRELIMINARY STATEMENT

8 It should be noted that Responding Party has not fully completed its
9 investigation of the facts relating to the case, has not fully completed discovery in
10 this action, and has not completed preparation for trial. All of the responses
11 contained herein are based only upon such information and documents which are
12 presently available to and specifically known to Responding Party and disclose only
13 those contentions which presently occur to Responding Party. It is anticipated that
14 further discovery, independent investigation, legal research, and analysis will supply
15 additional facts, add meaning to known facts, and establish entirely new factual
16 conclusions and legal contentions, all of which may lead to substantial additions to,
17 changes in, and variations from the contentions herein set forth. The following
18 responses are given without prejudice to Responding Party's right to produce
19 evidence of any subsequently discovered fact or facts which may later develop.

20 The responses contained herein are made in a good faith effort to supply as
21 much factual information and as much specification of legal contention as is
22 presently known, but should in no way be to the prejudice of Responding Party in
23 relation to further discovery, research or analysis.

GENERAL OBJECTIONS

25 The following responses are made solely for the purposes of this action. Each
26 response is subject to any and all objections as to competence, relevance,
27 materiality, propriety and admissibility, and any and all objections on grounds that
28 would require the exclusion of any statement or material herein, if any question

1 were asked of, or any statement or material contained herein were made by, a
2 witness present and testifying in court, all of which objections and grounds are
3 reserved and may be interposed at the time of trial.

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1 **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

2 **REQUEST NO. 1:**

3 Produce a complete copy of ALL police reports pertaining to the arrest and/or
4 detention of PLAINTIFF Antonio Lopez during the INCIDENT.

5 **RESPONSE TO REQUEST NO. 1:**

6 OBJECTION: This request is compound as phrased. Additionally, this request
7 calls for documents from multiple sources, some of which would not in the
8 possession, custody, or control of the responding party. As such, this request seeks
9 documents that are equally available to the propounding party as the responding
10 party.

11 Further, as phrased, this request potentially calls for the production of
12 documents or information that are privileged from disclosure under the federal law
13 enforcement investigative privilege, the federal executive-deliberative process and
14 official information privileges, the federal and California constitutional right to
15 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
16 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
17 832.8, as well as California Evidence Code sections 1040 through 1048, and the
18 associated case law), and/or – in light of its broad phrasing so as to potentially include
19 Defendants' *attorneys* – potentially including the attorney-client privilege (including
20 but not limited to its investigative aspect) and/or the attorney work product protection.

21 Defendants incorporate by reference here each of the objections stated in the
22 General Objections section, *supra*.

23 **REQUEST NO. 2:**

24 Produce a complete copy of ALL video footage, including but not limited to
25 body worn camera footage, depicting the arrest and/or detention of PLAINTIFF
26 Antonio Lopez during the INCIDENT.

27 **RESPONSE TO REQUEST NO. 2:**

28 OBJECTION: This request is compound as phrased. Additionally, this request

1 calls for documents from multiple sources, some of which would not in the
2 possession, custody, or control of the responding party. As such, this request seeks
3 documents that are equally available to the propounding party as the responding
4 party.

5 Further, as phrased, this request potentially calls for the production of
6 documents or information that are privileged from disclosure under the federal law
7 enforcement investigative privilege, the federal executive-deliberative process and
8 official information privileges, the federal and California constitutional right to
9 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
10 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
11 832.8, as well as California Evidence Code sections 1040 through 1048, and the
12 associated case law), and/or – in light of its broad phrasing so as to potentially include
13 Defendants’ *attorneys* – potentially including the attorney-client privilege (including
14 but not limited to its investigative aspect) and/or the attorney work product protection.

15 Defendants incorporate by reference here each of the objections stated in the
16 General Objections section, *supra*.

17 **REQUEST NO. 3:**

18 Produce a complete copy of ALL photographs depicting the arrest and/or
19 detention of PLAINTIFF Antonio Lopez during the INCIDENT.

20 **RESPONSE TO REQUEST NO. 3:**

21 **OBJECTION:** This request is compound as phrased. Additionally, this request
22 calls for documents from multiple sources, some of which would not in the
23 possession, custody, or control of the responding party. As such, this request seeks
24 documents that are equally available to the propounding party as the responding
25 party.

26 Further, as phrased, this request potentially calls for the production of
27 documents or information that are privileged from disclosure under the federal law
28 enforcement investigative privilege, the federal executive-deliberative process and

1 official information privileges, the federal and California constitutional right to
2 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
3 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
4 832.8, as well as California Evidence Code sections 1040 through 1048, and the
5 associated case law), and/or – in light of its broad phrasing so as to potentially include
6 Defendants’ *attorneys*— potentially including the attorney-client privilege (including
7 but not limited to its investigative aspect) and/or the attorney work product protection.

8 Defendants incorporate by reference here each of the objections stated in the
9 General Objections section, *supra*.

10 **REQUEST NO. 4:**

11 Produce a complete copy of ALL statements and/or interviews of civilian
12 witnesses PERTAINING TO the arrest and/or detention of PLAINTIFF Antonio
13 Lopez during the INCIDENT.

14 **RESPONSE TO REQUEST NO. 4:**

15 OBJECTION: This request is compound as phrased. Additionally, this request
16 calls for documents from multiple sources, some of which would not in the
17 possession, custody, or control of the responding party. As such, this request seeks
18 documents that are equally available to the propounding party as the responding
19 party.

20 Further, as phrased, this request potentially calls for the production of
21 documents or information that are privileged from disclosure under the federal law
22 enforcement investigative privilege, the federal executive-deliberative process and
23 official information privileges, the federal and California constitutional right to
24 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
25 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
26 832.8, as well as California Evidence Code sections 1040 through 1048, and the
27 associated case law), and/or – in light of its broad phrasing so as to potentially include
28 Defendants’ *attorneys*— potentially including the attorney-client privilege (including

1 but not limited to its investigative aspect) and/or the attorney work product protection.

2 Defendants incorporate by reference here each of the objections stated in the
3 General Objections section, *supra*.

4 **REQUEST NO. 5:**

5 Produce a complete copy of ALL statements and/or interviews of civilian
6 witnesses PERTAINING TO the INCIDENT.

7 **RESPONSE TO REQUEST NO. 5:**

8 OBJECTION: This request is compound as phrased. Additionally, this request
9 calls for documents from multiple sources, some of which would not in the
10 possession, custody, or control of the responding party. As such, this request seeks
11 documents that are equally available to the propounding party as the responding
12 party.

13 Further, as phrased, this request potentially calls for the production of
14 documents or information that are privileged from disclosure under the federal law
15 enforcement investigative privilege, the federal executive-deliberative process and
16 official information privileges, the federal and California constitutional right to
17 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
18 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
19 832.8, as well as California Evidence Code sections 1040 through 1048, and the
20 associated case law), and/or – in light of its broad phrasing so as to potentially include
21 Defendants' *attorneys* – potentially including the attorney-client privilege (including
22 but not limited to its investigative aspect) and/or the attorney work product protection.

23 Defendants incorporate by reference here each of the objections stated in the
24 General Objections section, *supra*.

25 **REQUEST NO. 6:**

26 Produce a complete copy of ALL statements and/or interviews of law
27 enforcement personnel PERTAINING TO the arrest and/or detention of
28 PLAINTIFF Antonio Lopez during the INCIDENT.

1 **RESPONSE TO REQUEST NO. 6:**

2 OBJECTION: This request is compound as phrased. Additionally, this request
3 calls for documents from multiple sources, some of which would not in the
4 possession, custody, or control of the responding party. As such, this request seeks
5 documents that are equally available to the propounding party as the responding
6 party.

7 Further, as phrased, this request potentially calls for the production of
8 documents or information that are privileged from disclosure under the federal law
9 enforcement investigative privilege, the federal executive-deliberative process and
10 official information privileges, the federal and California constitutional right to
11 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
12 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
13 832.8, as well as California Evidence Code sections 1040 through 1048, and the
14 associated case law), and/or – in light of its broad phrasing so as to potentially include
15 Defendants' *attorneys*— potentially including the attorney-client privilege (including
16 but not limited to its investigative aspect) and/or the attorney work product protection.

17 Defendants incorporate by reference here each of the objections stated in the
18 General Objections section, *supra*.

19 **REQUEST NO. 7:**

20 Produce a complete copy of ALL statements and/or interviews of law
21 enforcement personnel PERTAINING TO the INCIDENT.

22 **RESPONSE TO REQUEST NO. 7:**

23 OBJECTION: This request is compound as phrased. Additionally, this request
24 calls for documents from multiple sources, some of which would not in the
25 possession, custody, or control of the responding party. As such, this request seeks
26 documents that are equally available to the propounding party as the responding
27 party.

28 Further, as phrased, this request potentially calls for the production of

1 documents or information that are privileged from disclosure under the federal law
2 enforcement investigative privilege, the federal executive-deliberative process and
3 official information privileges, the federal and California constitutional right to
4 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
5 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
6 832.8, as well as California Evidence Code sections 1040 through 1048, and the
7 associated case law), and/or – in light of its broad phrasing so as to potentially include
8 Defendants' *attorneys* – potentially including the attorney-client privilege (including
9 but not limited to its investigative aspect) and/or the attorney work product protection.

10 Defendants incorporate by reference here each of the objections stated in the
11 General Objections section, *supra*.

12 **REQUEST NO. 8:**

13 Produce a complete copy of ALL statements and/or interviews by Defendants
14 Paul Delgado, Brett Heitmann, Caitlin Panov, and Kenneth Weber PERTAINING
15 TO the INCIDENT.

16 **RESPONSE TO REQUEST NO. 8:**

17 OBJECTION: This request is compound as phrased. Additionally, this request
18 calls for documents from multiple sources, some of which would not in the
19 possession, custody, or control of the responding party. As such, this request seeks
20 documents that are equally available to the propounding party as the responding
21 party.

22 Further, as phrased, this request potentially calls for the production of
23 documents or information that are privileged from disclosure under the federal law
24 enforcement investigative privilege, the federal executive-deliberative process and
25 official information privileges, the federal and California constitutional right to
26 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
27 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
28 832.8, as well as California Evidence Code sections 1040 through 1048, and the

1 associated case law), and/or – in light of its broad phrasing so as to potentially include
2 Defendants' *attorneys* – potentially including the attorney-client privilege (including
3 but not limited to its investigative aspect) and/or the attorney work product protection.

4 Defendants incorporate by reference here each of the objections stated in the
5 General Objections section, *supra*.

6 **REQUEST NO. 9:**

7 Produce a complete copy of ALL video footage taken by journalists on scene
8 during the INCIDENT.

9 **RESPONSE TO REQUEST NO. 9:**

10 OBJECTION: This request calls for documents from multiple sources, some
11 of which would not in the possession, custody, or control of the responding party.
12 As such, this request seeks documents that are equally available to the propounding
13 party as the responding party.

14 Further, as phrased, this request potentially calls for the production of
15 documents or information that are privileged from disclosure under the federal law
16 enforcement investigative privilege, the federal executive-deliberative process and
17 official information privileges, the federal and California constitutional right to
18 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
19 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
20 832.8, as well as California Evidence Code sections 1040 through 1048, and the
21 associated case law), and/or – in light of its broad phrasing so as to potentially include
22 Defendants' *attorneys* – potentially including the attorney-client privilege (including
23 but not limited to its investigative aspect) and/or the attorney work product protection.

24 Defendants incorporate by reference here each of the objections stated in the
25 General Objections section, *supra*.

26 **REQUEST NO. 10:**

27 Produce a complete copy of ALL documents pertaining to ALL extraction
28 and/or analysis of DECEDENT's cellphone.

1 **RESPONSE TO REQUEST NO. 10:**

2 OBJECTION: This request is vague, ambiguous, and overbroad as phrased.
3 Further, this request is compound as phrased. Additionally, this request calls for
4 documents from multiple sources, some of which would not in the possession,
5 custody, or control of the responding party. As such, this request seeks documents
6 that are equally available to the propounding party as the responding party.

7 Further, as phrased, this request potentially calls for the production of
8 documents or information that are privileged from disclosure under the federal law
9 enforcement investigative privilege, the federal executive-deliberative process and
10 official information privileges, the federal and California constitutional right to
11 **privacy** (as underscored and/or augmented by the statutory peace officer personnel
12 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
13 832.8, as well as California Evidence Code sections 1040 through 1048, and the
14 associated case law), and/or – in light of its broad phrasing so as to potentially include
15 Defendants' *attorneys*— potentially including the attorney-client privilege (including
16 but not limited to its investigative aspect) and/or the attorney work product protection.

17 Defendants incorporate by reference here each of the objections stated in the
18 General Objections section, *supra*.

19 **REQUEST NO. 11:**

20 Produce a complete copy of the note addressed to DECEDENT's children
21 found in the car DECEDENT was in during the INCIDENT.

22 **RESPONSE TO REQUEST NO. 11:**

23 OBJECTION: This request is vague, ambiguous, and overbroad as phrased. .

24 Further, as phrased, this request potentially calls for the production of
25 documents or information that are privileged from disclosure under the federal law
26 enforcement investigative privilege, the federal executive-deliberative process and
27 official information privileges, the federal and California constitutional right to
28 **privacy** (as underscored and/or augmented by the statutory peace officer personnel

1 records *Pitchess* privileges pursuant to California Penal Code sections 832.5 through
2 832.8, as well as California Evidence Code sections 1040 through 1048, and the
3 associated case law), and/or – in light of its broad phrasing so as to potentially include
4 Defendants’ *attorneys* – potentially including the attorney-client privilege (including
5 but not limited to its investigative aspect) and/or the attorney work product protection.

6 Defendants incorporate by reference here each of the objections stated in the
7 General Objections section, *supra*.

8

9 DATED: December 11, 2023 LEWIS BRISBOIS BISGAARD & SMITH LLP

10

11

12 By: / s / *Tori L. N. Bakken*

13

TONY M. SAIN

14

TORI L. N. BAKKEN

15

Attorneys for DEFENDANTS CITY OF
ANAHEIM, et al.

16

17

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19

20

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FEDERAL COURT PROOF OF SERVICE
LOPEZ, ANTONIO, et al. v. CITY OF ANAHEIM, et al.
Case No. 8:22-cv-1351

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 633 West 5th Street, Suite 4000, Los Angeles, CA 90071. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On December 11, 2023, I served the following document(s): **DEFENDANT CITY OF ANAHEIM'S RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Dale K. Galipo, Esq.
Renee V. Masongsong, Esq.
LAW OFFICES OF DALE K. GALIPO
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Tel: (818) 347-3333
Fax: (818) 347-4118
dalekgalipo@yahoo.com
rvalentine@galipolaw.com

ATTORNEYS FOR PLAINTIFFS:
B.L., J.L., and M.R.

The documents were served by the following means:

- (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.
- (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on December 11, 2023, at Los Angeles, California.

/s/ *Curfew F. Wilson*

Curfew F. Wilson

EXHIBIT C''

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
2 DANA ALDEN FOX, SB# 119761
3 E-Mail: Dana.Fox@lewisbrisbois.com
4 TONY M. SAIN, SB# 251626
5 E-Mail: Tony.Sain@lewisbrisbois.com
6 TORI L. N. BAKKEN, SB# 329069
7 E-Mail: Tori.Bakken@lewisbrisbois.com
8 ABIGAIL J. R. McLAUGHLIN, SB# 313208
9 E-Mail: Abigail.McLaughlin@lewisbrisbois.com
10 633 West 5th Street, Suite 4000
11 Los Angeles, California 90071
12 Telephone: 213.250.1800
13 Facsimile: 213.250.7900

14 Attorneys for Defendants,
15 CITY OF ANAHEIM, JORGE CISNEROS,
16 PAUL DELGADO, BRETT HEITMAN,
17 KENNETH WEBER, and CATALIN PANOV

18 UNITED STATES DISTRICT COURT

19 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

20 ANTONIO LOPEZ, individually;
21 JOHANNA LOPEZ, individually;
22 M.R., by and through his guardian ad
23 litem, April Rodriguez, individually and
24 as successor in interest to Brandon
Lopez; B.L. and J.L., by and through
their guardian ad litem Rachel Perez,
individually and as successor in interest
to Brandon Lopez; S.L., by and through
his guardian ad litem, Rocio Flores,
individually and as successor in interest
to Brandon Lopez,

25 Plaintiffs,

26 vs.

27 CITY OF ANAHEIM; CITY OF
28 SANTA ANA; DAVID VALENTIN;
JORGE CISNEROS; PAUL
DELGADO; BRETT HEITMAN;
KENNETH WEBER; CAITLIN
PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351

**DEFENDANT CITY OF
ANAHEIM'S SUPPLEMENTAL
DISCLOSURE PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 26(A)(1)**

Trial Date: Not Set

27 Defendant CITY OF ANAHEIM, JORGE CISNEROS; PAUL DELGADO;
28 134655531.2

**DEFENDANT CITY OF ANAHEIM'S SUPPLEMENTAL DISCLOSURE PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 26(A)(1)**

1 BRETT HITMAN; KENNETH WEBER; and CAITLIN PANOV hereby provide
2 these **supplemental disclosures** as required pursuant to Federal Rule of Civil
3 Procedure 26(a)(1).

4 **1. POTENTIAL WITNESSES.**

5 Defendants are informed and believe that the following list represents the last
6 known names, addresses, and telephone numbers of individuals likely to have
7 discoverable information relevant to the disputed facts alleged with particularity in
8 the pleadings and identifying the subjects of the information, to the extent known to
9 defendants at present. Upon information and belief, there may be other witnesses
10 identified in the pending criminal investigation by the California Department of
11 Justice and, thus, such identities, if any, are not currently in possession of
12 Defendants and will be supplemented at time the investigation is complete.
13 Defendants reserve the right to amend and/or supplement these disclosures as
14 discovery is ongoing.

NO	NAME	ADDRESS	TELEPHONE	SUBJECT OF KNOWLEDGE
1.	Lopez, Antonio	Through Counsel	Through Counsel	π
2.	Lopez, Johanna	Through Counsel	Through Counsel	π
3.	Lopez, B.	Through Counsel	Through Counsel	Minor π
4.	Lopez, J.	Through Counsel	Through Counsel	Minor π
5.	Lopez, S.	Through Counsel	Through Counsel	Minor π
6.	Flores, Rocio	Through Counsel	Through Counsel	π
7.	Perez, Rachel	Through Counsel	Through Counsel	Guardian Ad Litem
8.	Rodriguez, April	Through Counsel	Through Counsel	π

27
28 NOTE: All witnesses herein above and marked with an asterisk (*) are
134655531.2

DEFENDANT CITY OF ANAHEIM'S SUPPLEMENTAL DISCLOSURE PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 26(A)(1)

1 believed to be currently employed by Defendant County of Riverside, and thus
2 should be contacted only through the defendant's counsel of record in this action.
3 See, Cal. R. Prof. Conduct 2-100.

4 **2. DOCUMENTS AND RECORDS.**

<u>NO</u>	<u>ITEMS 1-46 PREVIOUSLY DISCLOSED WITH DEFENDANTS' RRFP</u>
1.	APD Report, Stolen Vehicle-OIS, Compiled, 09/28/21 COA 000001-12
2.	OC Crime Lab, Vehicle Examination by OC Crime Lab Doretti, B., 01/14/22 COA 000013
3.	OC Crime Lab, Vehicle Examination by OC Crime Lab Ramirez, M., 11/24/21 COA 000014
4.	OC Coroner, Autopsy (1), Lopez, B. by Kim, Yong-son, 09/30/21 COA 000015-34
5.	OC Coroner, Autopsy Photographs by OC Crime Lab Flores, S., 09/30/21 COA 000035-52
6.	OC Crime Lab, Coroner re Lopez by Yong-son, K., 09/30/21 COA 000053
7.	OC Crime Lab, Embalming Photographs by OC Crime Lab Espenoza, S., 10/03/21 COA 000054
8.	OC Fire, EMS by OC Fire re OIS by Compton, M., 09/30/21 COA 000055-61
9.	OC Crime Lab, Evidence Collection at Autopsy by OC Crime Lab Zoccoli, J., 11/13/21 COA 000062
10.	OC Crime Lab, Scene of OIS by OC Crime Lab Leon, K., 09/28/21 COA 000063-64
11.	OC Crime Lab, Scene of OIS by OC Crime Lab Ramirez, M., 03/04/22 COA 000065-68

1	12.	OC Crime Lab, Scene of OIS by OC Crime Lab Walker, S., 02/16/22
2		COA 000069-72
3	13.	OC Crime Lab, Tox re Lopez by F.S. Havro, 12/01/21
4		COA 000073
5	14.	OC Crime Lab, Officer Processing by OC Crime Lab Peplowski, H., 10/18/21
6		COA 000074-75
7	15.	APD CAD Call Hardcopy re OIS Follow-Up Investigation, 09/28/21
8		COA 000076-144
9	16.	APD CAD Call Hardcopy re OIS, 09/28/21
10		COA 000145 -173
11	17.	Cell Phone, Collision with Bystander Vehicles, 09/28/21
12		COA 000174
13	18.	Critical Incident Community Briefing Video, 11/12/21
14		COA 000175
15	19.	OCSD Booking Photo of Lopez, 02/07/21
16		COA 000176
17	20.	OCSD Photos, Additional Scene, 09/29/21
18		COA 000177-293
19	21.	OCSD Photos, Analyst Casework
20		COA 000294-383
21	22.	OC Crime Lab Photos, Autopsy, 09/30/21
22		COA 000384-577
23	23.	OC Crime Lab Photos, CSI Crime Scene, 09/28/21
24		COA 000578-645
25	24.	OC Crime Lab Photos, Scene, 09/29/21
26		COA 000646-721
27	25.	APD, Policy Manual, 09/22/21
28		COA 000722-780
	26.	OC Chiefs' of Police & Sheriff's Association Protocol Policy, Governing Inter City SWAT Operations #110

1	COA 000781-784
2	27. APD Records, Training re Delgado, P., 12/32/21
3	COA 000785-793
4	28. APD Records, Training re Heitmann, B., 11/20/21
5	COA 000794-799
6	29. APD Records, Training re Panov, C., 12/31/21
7	COA 000800-806
8	30. APD Records, Training re Weber, K., 11/19/21
9	COA 000807-813
10	31. Driver's License, Lopez, B., 02/17/15
11	COA 000814
12	32. Docket, Criminal Case, Warrant, 02/09/21
13	COA 000815-822
14	33. Docket, Criminal Case, Warrant, 02/04/20
15	COA 000823-828
16	34. APD Report, Prior re Armed Robbery-Business, Compiled, 01/29/21
17	COA 000829-908
18	35. FDP Report, Prior re Assault-Battery, Compiled, 07/19/14
19	COA 000909-923
20	36. APD Report, Prior re Domestic Violence, Compiled, 02/01/20
21	COA 000924-953
22	37. APD Report, Prior re Robbery, Compiled, 01/14/21
23	COA 000954-967
24	38. FPD Report, Prior re Robbery-Handgun, Compiled, 01/21/21
25	COA 000968-991
26	39. APD Report, Prior re Robbery-Handgun, Compiled, 01/27/21
27	COA 000992-1010
28	40. APD Report, Prior re Robbery-Handgun, Compiled, 01/29/21
	COA 001011-1087
	41. APD Arrest Warrant, Prior Incident, Declaration by Inv. Celello, 02/09/21
	COA 001088
	134655531.2
	5

1	42.	APD OIS & In Custody Death Investigation Online Links
2		COA 001089 -1094
3	43.	APD UOF Memo re 10 Year Review of UOF Cases with Reprimands and Terminations by Lt. Starke, B., 12/07/2022
4		COA 001095-1196
5	44.	BWC re OIS by Delgado, 09/28/21
6		COA 001097
7	45.	BWC re OIS by Panov, C., 09/29/21
8		COA 001098
9	46.	BWC re OIS by Weber. 09/29/21
10		COA 001099
11	***	NEWLY DISCLOSED ITEMS START AT 47
12	47.	Video BWC from Officer Patrick Bradley; 09/28/2021
13		COA 001100
14	48.	Video BWC from Officer Lorenzo Uribe; 09/28/2021
15		COA 001101

16 In addition, Defendant identifies the following categories of documents that
17 may exist relevant to this matter. Defendant reserves the right to amend and/or
18 supplement these disclosures as discovery is ongoing.

19 1. All reports prepared by peace officers and public safety personnel who
20 may have been involved with the incident alleged in the operative Complaint.

21 2. All reports prepared by law enforcement personnel and public safety
22 personnel who may have investigated the incident alleged in the operative
23 Complaint.

24 3. All medical records of any plaintiff, decedent, or individual involved in
25 the underlying incident.

26 4. All pleadings filed in this matter.

27 5. All answers/responses to interrogatories, requests for production of
28 documents, and requests for admission in this matter, including all amendments

1 and/or supplements thereto, and including any and all documents attached thereto.

2 6. All transcripts and recordings of depositions and any document marked
3 as an exhibit to a deposition.

4 7. Reports of all parties' experts and all supporting documentation, date,
5 video presentations, learned treatises, publications, studies, etc.

6 8. Enlargements of graphs, photographs or other exhibits.

7 9. All exhibits identified through future discovery including any items
8 produced pursuant to a protective order in this matter.

9 10. Documents and materials identified in the Rule 26 disclosure
10 statements of the other parties in this case.

11 **3. COMPUTATION OF DAMAGES TO DISCLOSING PARTY.**

12 At present, the Rule 26 requirement to disclose the computation of any
13 category of damages claimed to the disclosing party does not apply to the
14 defendants.

15 **4. INSURANCE.**

16 Defendant County is insured up to a certain point per California Government
17 Code § 990.

18 **5. ONGOING DISCOVERY.**

19 Investigation and discovery by the defendants is continuing and is not yet
20 complete. Defendants reserve the right to refer to, conduct discovery with reference
21 to, or offer into evidence at trial any and all witnesses, facts, and evidence,
22 notwithstanding the absence of a reference to such witnesses, evidence, or facts
23 within these or any disclosures.

24 ///

25 ///

26 ///

1 All disclosures herein are to the best knowledge, information, and belief
2 formed after reasonable inquiry by defendants, and the defendants are informed and
3 believe that these disclosures are complete and correct as of the time made or
4 supplemented.

5
6 DATED: January 17, 2024 LEWIS BRISBOIS BISGAARD & SMITH LLP

7
8 By: *Tori L.N. Bakken*

9
10 TONY M. SAIN
11 TORI L.N. BAKKEN
12 Attorneys for DEFENDANTS CITY OF
13 ANAHEIM, et al.

FEDERAL COURT PROOF OF SERVICE
LOPEZ, ANTONIO, et al. v. CITY OF ANAHEIM, et al.
Case No. 8:22-cv-1351

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to the action. My business address is 633 West 5th Street, Suite 4000, Los Angeles, CA 90071. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On January 17, 2024, I served the following document(s): DEFENDANT CITY OF ANAHEIM'S SUPPLEMENTAL DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(A)(1)

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Dale K. Galipo, Esq.
Renee V. Masongsong, Esq.
LAW OFFICES OF DALE K. GALIPO
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
Tel: (818) 347-3333
Fax: (818) 347-4118
dalekgalipo@yahoo.com
rvalentine@galipolaw.com

ATTORNEYS FOR PLAINTIFFS:
B.L., J.L., and M.R.

The documents were served by the following means:

(BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on January 17, 2024, at Los Angeles, California.

/s/ Curfew F. Wilson

Curfew F. Wilson

EXHIBIT D''

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
 2 DANA ALDEN FOX, SB# 119761
 3 E-Mail: Dana.Fox@lewisbrisbois.com
 4 TONY M. SAIN, SB# 251626
 5 E-Mail: Tony.Sain@lewisbrisbois.com
 6 TORI L. N. BAKKEN, SB# 329069
 7 E-Mail: Tori.Bakken@lewisbrisbois.com
 8 ABIGAIL J. R. McLAUGHLIN, SB# 313208
 9 E-Mail: Abigail.McLaughlin@lewisbrisbois.com
 10 633 West 5th Street, Suite 4000
 11 Los Angeles, California 90071
 12 Telephone: 213.250.1800
 13 Facsimile: 213.250.7900

14 Attorneys for Defendants,
 15 CITY OF ANAHEIM, JORGE
 16 CISNEROS, PAUL DELGADO, BRETT
 17 HEITMAN, KENNETH WEBER, and
 18 CATALIN PANOV

19 **UNITED STATES DISTRICT COURT**
 20 **CENTRAL DISTRICT OF CALIFORNIA**

21 ANTONIO LOPEZ, individually;
 22 JOHANNA LOPEZ, individually;
 23 M.R., by and through his guardian ad
 24 litem, April Rodriguez, individually and
 25 as successor in interest to Brandon
 Lopez; B.L. and J.L., by and through
 their guardian ad litem Rachel Perez,
 individually and as successor in interest
 to Brandon Lopez; S.L., by and through
 his guardian ad litem, Rocio Flores,
 individually and as successor in interest
 to Brandon Lopez,

26 Plaintiffs,

27 vs.

28 CITY OF ANAHEIM; CITY OF
 29 SANTA ANA; DAVID VALENTIN;
 30 JORGE CISNEROS; PAUL
 31 DELGADO; BRETT HEITMAN;
 32 KENNETH WEBER; CAITLIN
 33 PANOV; DOES 1-10,

34 Defendants.

35 Case No. 8:22-cv-1351-JVS-ADS
 36 [Hon. James V. Selna, Dist. Judge; Hon.
 37 Autumn D. Spaeth, M. Judge]

38 **NOTICE OF LODGING OF NON-**
PAPER EXHIBITS IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT

39 *Filed Concurrently with Defendants'*
Motion for Summary Judgment or
Partial Summary Judgment; Statement
of Undisputed Facts; Declaration of
Abigail J.R. McLaughlin; and
[Proposed] Order

40 Date: August 12, 2024

41 Time: 1:30 p.m.

42 Crtrm.: 10C

43 FPTC Date: September 9, 2024
 44 Trial Date: September 17, 2024

1 **TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:**

2 In accordance with C.D. Cal. Local Rules 5-4.2(b)(1) and 11-5.1, CITY OF
3 ANAHEIM, JORGE CISNEROS, PAUL DELGADO, BRETT HEITMAN,
4 KENNETH WEBER, and CATALIN PANOV (“Defendants”) hereby lodge the
5 following non-paper physical exhibits in support of their Motion for Summary
6 Judgment or Partial Summary Judgment via USB:

7 1. Exhibit 1: Composite Video of September 28, 2021 Incident.
8 2. Exhibit 2: Audio of interview with non-party witness Anaheim Police
9 Investigator Ricky Reynoso regarding the incident.
10 3. Exhibit 3: Audio of interview with non-party witness Santa Ana Police
11 Department Officer Kenny Aguilar regarding the incident.
12 4. Exhibit 4: Non-party witness’ cell phone video footage regarding the
13 September 28, 2021 incident.
14 5. Exhibit 5: Audio of interview with Defendant Sergeant Kenneth Weber
15 regarding the incident.
16 6. Exhibit 6: Audio of interview with non-party witness Santa Ana Police
17 Department Officer Sergio Martinez regarding the incident.
18 7. Exhibit 7: Audio of interview with non-party witness Santa Ana Police
19 Department Corporal Luis Galeana regarding the incident.
20 8. Exhibit 8: Audio of interview with non-party witness Santa Ana Police
21 Department Officer Nelson Menendez regarding the incident.
22 9. Exhibit 9: Audio of interview with non-party witness Anaheim Police
23 Department Officer Brandon Mullins regarding the incident.
24 10. Exhibit 10: Audio of interview with non-party witness Anaheim Police
25 Department Officer James Lopez regarding the incident.
26 11. Exhibit 11: Dispatch audio regarding the September 28, 2021 incident
27 related to the vehicular pursuit.

28

1 12. Exhibit 12: Dispatch audio regarding the September 28, 2021 incident
2 related to the stand-off.

3 13. Exhibit 13: Audio of interview with Defendant Officer Brett Heitman
4 regarding the incident.

5 14. Exhibit 14: Audio of interview with Defendant Officer Catalin Panov
6 regarding the incident.

7 15. Exhibit 15: Audio of interview with Defendant Officer Paul Delgado
8 regarding the incident.

9 16. Exhibit 16: Defendant Sergeant Paul Delgado's Body Worn Camera
10 footage regarding the September 28, 2021 incident.

11 17. Exhibit 17: Defendant Officer Catalin Panov's Body Worn Camera
12 footage regarding the September 28, 2021 incident.

13 18. Exhibit 18: Defendant Sergeant Kenneth Weber's Body Worn Camera
14 footage regarding the September 28, 2021 incident.

15

16 DATED: July 15, 2024

LEWIS BRISBOIS BISGAARD & SMITH LLP

17

18

19 By: /s/ Abigail J.R. McLaughlin

20 DANA ALDEN FOX

21 TONY M. SAIN

22 TORI L. N. BAKKEN

23 ABIGAIL J. R. McLAUGHLIN

24 Attorneys for Defendants,

25 CITY OF ANAHEIM, JORGE

26 CISNEROS, PAUL DELGADO, BRETT

27 HEITMAN, KENNETH WEBER, and

28 CATALIN PANOV

29

30

31

FEDERAL COURT PROOF OF SERVICE
LOPEZ, ANTONIO, et al. v. CITY OF ANAHEIM, et al.
Case No. 8:22-cv-1351

3 | STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 At the time of service, I was over 18 years of age and not a party to the action. My
5 business address is 633 West 5th Street, Suite 4000, Los Angeles, CA 90071. I am employed in
the office of a member of the bar of this Court at whose direction the service was made.

6 On July 15, 2024, I served the following document(s): **NOTICE OF LODING OF NON-**
7 **PAPER EXHIBITS IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY**
JUDGMENT OR PARTIAL SUMMARY JUDGMENT

8 I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

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The documents were served by the following means:

11 (BY OVERNIGHT DELIVERY) Based on an agreement of the parties to accept service by
12 overnight delivery, I enclosed the documents in an envelope or package provided by an
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placed the envelope or package for collection and delivery at an office or a regularly
utilized drop box of the overnight delivery carrier.

15 I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

16 Executed on July 15, 2024, at Los Angeles, California.

Curfew F. Wilson

1 **SERVICE LIST**
2 **LOPEZ, ANTONIO, et al. v. CITY OF ANAHEIM, et al.**
3 **Case No. 8:22-cv-1351**

4 BURRIS, NISENBAUM, CURRY &
5 **LACY LLP**
6 DEWITT M. LACY, Esq. (SBN 258789)
7 JULIA N. QUESADA, Esq. (SBN
8 337872)
9 LENA P. ANDREWS, Esq. (SBN
10 342471)
11 9701 Wilshire Blvd., Suite 1000
12 Beverly Hills, California 90212
13 Telephone: (310) 601-7070
14 Facsimile: (510) 839-3882
15 dewitt@bncllaw.com
16 julia.quesada@bncllaw.com
17 lena.andrews@bncllaw.com

18 **ATTORNEYS FOR PLAINTIFFS:**
19 Antonio Lopez, Johanna Lopez, & S.L. by
20 and through his guardian ad litem
21 Rocio Flores
22
23
24
25
26
27
28

EXHIBIT E"

McLaughlin, Abigail

From: McLaughlin, Abigail
Sent: Thursday, July 18, 2024 4:42 PM
To: Lena Andrews
Cc: Sain, Tony; Bakken, Tori; Irvin Aguirre; Julia Quesada; DeWitt Lacy
Subject: RE: Lopez (PC) M&C re Plaintiffs' Motion to Strike MSJ Exhibits

My direct line is (213) 358-6001. Talk to you then.

Abigail J. R. McLaughlin (She/Her)

Partner

Los Angeles
213.358.6001 or x2136001

From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Thursday, July 18, 2024 4:40 PM
To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>
Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>
Subject: Re: Lopez (PC) M&C re Plaintiffs' Motion to Strike MSJ Exhibits

EXTERNAL

I can be available at 10:30 am tomorrow. What is the best number for me to reach you at?

Regards,

Lena P. Andrews
Attorney



Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

Beverly Hills, CA 90212
Telephone: (310) 601-7070
Facsimile: (510) 839-3882
Website: www.johnburrislaw.com

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On Thu, Jul 18, 2024 at 3:42 PM McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com> wrote:

Good afternoon:

Please see the attached correspondence regarding the below. Additionally, below is the [box.com](#) link and password referenced in the correspondence.

While the correspondence includes this, for ease, I am available from 9 a.m. to 11 a.m. tomorrow for a meet and confer. If this does not work for you, please coordinate with Tori Bakken regarding availability on Monday, as I will be out of the office starting Monday for several days.

Link: <https://lewisbrisbois.box.com/s/4r7y1qmqi93rxgcx5pqnht2in4emjn0>

The link will expire on Aug 17, 2024 and cannot be extended or renewed. The link is password protected. It is imperative that the link and password be transmitted in separate e-mails, and that the two attached Box instructional guides be provided when sending your email.

Password: TE1XNWsO0Eemtu4U

Best,

Abigail



Abigail J. R. McLaughlin (She/Her)
Partner
Abigail.McLaughlin@lewisbrisbois.com
T: 213.358.6001 F: 213.250.7900

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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Thursday, July 18, 2024 11:34 AM

To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Sain, Tony <Tony.Sain@lewisbrisbois.com>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Cc: Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>

Subject: Re: Lopez - Word Copy of 129-1

EXTERNAL

Good morning:

I am writing to request to meet and confer regarding a motion to strike certain exhibits used in support of Defendants' MSJ on the grounds that the exhibits were never produced during discovery and thus are inadmissible under Rule 37(c). In particular, I have no record of Ex 2 (Reynoso Interview), Ex 3 (Aguilar Interview), Ex 5 (Weber Interview), Ex 6 (Martinez Interview), Ex 7 (Galeana Interview), Ex 8 (Menendez Interview), Ex 9 (Mullins Interview), Ex 10 (James Lopez Interview), Ex 12 (Heitman Interview), Ex 14 (Panov Interview), Ex 15 (Delgado Interview), or any of the accompanying transcripts (Ex 19-29) being produced during discovery despite specific discovery requests requesting all law enforcement interviews.

Though Defendant identified the interviews in its initial disclosures, no documents were produced with Defendants' initial disclosures. Thereafter, Defendants propounded COA 1-1099 in response to Plaintiffs' RFPDS. None of the interviews used by Defendants as Exhibits were contained in the disclosure. Thereafter Plaintiff Antonio Lopez propounded his first set RFPDs requesting specifically "a complete copy of ALL statements

and/or interviews of law enforcement personnel PERTAINING TO the INCIDENT" (RFPD no. 7) and "a complete copy of ALL statements and/or interviews by Defendants Paul Delgado, Brett Heitmann, Caitlin Panov, and Kenneth Weber PERTAINING TO the INCIDENT" (RFPD no 8). Defendant City propounded only objections, produced no interviews, and did not state that the interviews had already been produced in discovery. Finally, on January 17, 2024, Defendant City propounded a supplemental disclosure listing all of the documents produced by the City thus far. Again, None of the interviews used by Defendants as Exhibits were listed or contained in that disclosure. In addition, I have no other record of these interviews and transcripts having been produced to Plaintiffs at any point during discovery.

I have also reviewed Santa Ana's disclosures and the interviews listed as exhibits do not appear there either.

Accordingly, I have no record that the interviews or their transcripts were ever produced to Plaintiffs during discovery. The interviews and transcripts cannot be admissible at trial and thus cannot be used to support a motion for summary judgment. Plaintiffs request that you file a notice of errata withdrawing all of the offending exhibits immediately. If you choose not to correct this, Plaintiff will have no choice but to move to strike all of the offending exhibits under Rule 37 and applicable California caselaw.

I am available to meet and confer today, tomorrow, and Monday at various times throughout the day. Please advise of your soonest availability so Plaintiff is not further prejudiced.

Regards,

Lena P. Andrews

Attorney



Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

Beverly Hills, CA 90212

Telephone: (310) 601-7070

Facsimile: (510) 839-3882

Website: www.johnburrislaw.com

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On Wed, Jul 17, 2024 at 4:09 PM Lena Andrews <lena.andrews@bncllaw.com> wrote:

Can you please confirm the date of production and bates stamps for Ex 2 (Reynoso Interview), Ex 3 (Aguilar Interview), Ex 5 (Weber Interview), Ex 6 (Martinez Interview), Ex 7 (Galeana Interview), Ex 8 (Menendez Interview), Ex 9 (Mullins Interview), Ex 10 (James Lopez Interview), Ex 12 (Heitman Interview), Ex 14 (Panov Interview), and Ex 15 (Delgado Interview)?

Regards,

Lena P. Andrews

Attorney



Burris, Nisenbaum, Curry and Lacy LLP

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On Wed, Jul 17, 2024 at 2:55 PM Lena Andrews <lena.andrews@bncllaw.com> wrote:

Thank you. I have the audio of the interviews, it is just the full copies of the transcripts that I am unable to locate.

Regards,

Lena P. Andrews

Attorney



Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

Beverly Hills, CA 90212

Telephone: (310) 601-7070

Facsimile: (510) 839-3882

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On Wed, Jul 17, 2024 at 2:52 PM McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com> wrote:

I'll look into the transcript issue for you. On the interview audio, your office should be receiving a USB with a Notice of Lodging via FedEx today or tomorrow. The password to access is:

G1veM3@ccE55



Abigail J. R. McLaughlin (She/Her)
Partner
Abigail.McLaughlin@lewisbrisbois.com

T: 213.358.6001 F: 213.250.7900

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From: Lena Andrews <lena.andrews@bnclaw.com>
Sent: Wednesday, July 17, 2024 2:47 PM
To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>
Subject: Re: Lopez - Word Copy of 129-1

EXTERNAL

Thank you.

Could you also forward complete copies of the interview and video transcripts cited by Defendants in support of the MSJ? I do not see any Bates numbers on them and I have not been able to locate them in the City's previous document productions.

Regards,

Lena P. Andrews

Attorney



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On Wed, Jul 17, 2024 at 2:11 PM McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com> wrote:

Here you go!

Best,

Abigail



Abigail J. R. McLaughlin (She/Her)

Partner

Abigail.McLaughlin@lewisbrisbois.com

T: 213.358.6001 F: 213.250.7900

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From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Wednesday, July 17, 2024 2:10 PM
To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>
Subject: Lopez - Word Copy of 129-1

EXTERNAL

Hi Abigail:

Could you please forward a word version of Defendants' Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgement, Dkt. 129-1?

Thank you.

Regards,

Lena P. Andrews

Attorney



Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

Beverly Hills, CA 90212
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Facsimile: (510) 839-3882
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EXHIBIT F''



Tony M. Sain
633 West 5th Street, Suite 4000
Los Angeles, California 90071
Tony.Sain@lewisbrisbois.com
Direct: 213.358.6041

July 18, 2024

File No. 37563.06

VIA E-MAIL

Lena P. Andrews
BURRIS, NISENBAUM, CURRY AND
LACY LLP
9701 Wilshire Blvd., Suite 1000
Beverly Hills, CA 90212
E-Mail: lena.anderws@bncllaw.com

Re: **LOPEZ, Johanna, et al. v. City of ANAHEIM, et al.**
Case No. 8:22-cv-1351-JVS-ADS

Dear Ms. Andrews:

This correspondence is to address your July 18, 2024 e-mail where you requested a meet and confer regarding a motion to strike certain exhibits used in support of Defendants' Motion for Summary Judgment ("MSJ") on the grounds that the exhibits were never produced during discovery and thus are inadmissible under Rule 37(c). I am available for a meet and confer regarding this matter tomorrow (July 18, 2024) prior to 11:00 a.m. If you are not available then, you will need to coordinate with my colleague, Tori Bakken, regarding a meet and confer on Monday, July 22, 2024, as I am out of the office thereafter for several days.

In order to ensure that this meet and confer is as productive as possible, however, Defendants lay out their grounds for why the exhibits are admissible and not subject to striking as follows:

Discovery Sanctions Are Inappropriate For Records That Have Been Produced. First and foremost, the sanction you propose is not appropriate where, as here, the records at issue have been produced.

Disclosure Duty Recap. As relevant to Plaintiffs' allegations, Fed. R. Civ. P. 37(c) states that, "[i]f a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at trial, unless the failure are substantially justified or is harmless." Under Fed. R. Civ. P. 26(a),

Plaintiffs' Counsel

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Page 2

parties are required to make initial disclosures, which include “a copy—or description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses[.]” Per Fed. R. Civ. P. 26(e), a party must supplement these initial disclosures “in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and the additional or corrective information has not otherwise been made known to the other parties during the discovery response or in writing[.]”

The Audio Recordings At Issue Were Timely Disclosed. As stated in your July 18, 2024 e-mail, the audio interviews used in support of Defendants’ MSJ were identified in Defendant City of Anaheim’s Initial Disclosures, which were timely served by Defendant City of Anaheim’s *prior* law firm on October 10, 2022. Specifically, these Initial Disclosures provided a description of identified documents relevant to this matter, including, but not limited to (1) Interview of APD Inv. Ricky Reynoso; (2) Interview of APD Officer Brandon Mullins; (3) Interview of SAPD Officer Kenny Aguilar; (4) Interview of APD Officer Nelson Menendez; (5) Interview of APD Officer James Lopez; (6) Interview of SAPD Corporal Luis Galeana; (7) Interview of SAPD Officer Sergio Martinez; (8) Interview of Officer Panov by Special Agents Estrada and Cryar; (9) Interview of Officer Weber by Special Agents Estrada and Carlos; (10) Interview of Officer Delegado by Special Agents Cryar and Carlos; and (11) Interview of Officer Heitmann by Special Agents Black and Estrada.

Of note, per Fed. R. Civ. P. 26(a), the description of these documents was enough to satisfy Defendant City of Anaheim’s duties regarding initial disclosures. Significantly, barring some Rule 29 agreement to the contrary, the Rule 26 disclosure duty does not require unilateral *production* of the disclosed items. Rather, barring such agreement, the duty to produce arises only where a party has served a valid request for production (“RFP”). *Compare* Fed. R. Civ. P. 26(a) with Fed. R. Civ. P. 34. Here, current City counsel are unaware of any agreement that would transform the City’s Rule 26(a) disclosure duty into a production duty, absent a valid/timely RFP by plaintiffs.

Plaintiffs Failed To Seek Timely Relief For Production Failures Relative To Their RFP. Furthermore, as to Plaintiff Antonio Lopez’s Requests for Production, Set One (wherein Request No. 7 arguably embraced/required production of the audio recordings now at issue), if Plaintiffs had an issue with Defendants’ responses to these Requests, a Motion to Compel (“MTC”) should have been brought within the appropriate deadlines. Here, the sum of the Court’s orders required plaintiffs to meet-and-confer pursuant to L.R. 37-1 and then to file plaintiffs’ MTC no later than July 15, 2024. However, we see no record of any MTC being so timely filed.

Indeed, we have no record that there was any correspondence from Plaintiffs about any issue with Defendants’ responses to the RFP, even though Plaintiffs were on notice of the audio interview from Defendant City of Anaheim’s initial disclosures. Plaintiffs have thus waived their right to Rule 37 discovery related sanctions, particularly as to timeliness. Thus, Plaintiffs cannot now use the post-

Plaintiffs' Counsel

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July 18, 2024

Page 3

discovery-closure production of the recordings at issue as a basis to strike such recordings as exhibits to defendants' motion for summary judgment ("MSJ").

Current Defense Counsel Was Unaware That The Recordings Had Not Been Produced Prior To The MSJ Service. However, even if the documents' description in the defense disclosures was not enough to satisfy defendants' discovery obligations here, current counsel for Defendant City of Anaheim was unaware that former counsel never produced these documents to Plaintiffs; as the initial disclosures specifically stated that such would be produced once a Protective Order was entered by the Court, which occurred on December 8, 2022. Thus, as there is no record in the file of any associated disputed, current defense counsel reasonably believed that such production had timely occurred on or after that Order entry date.

However, to our surprise, on July 18, 2024, Plaintiffs' counsel's correspondence was the first time that we were notified that such recording production did not occur prior to the time when Defendants produced this interview audio with their MSJ on July 15, 2024. Thus, Defendants did not become aware that their prior discovery responses were incomplete until July 18, 2024.

Plaintiffs Have No Grounds For Rule 37 or Rule 56 Relief Here. While, unbeknownst to current defense counsel, plaintiffs did not receive production of the recordings at issue until July 15, 2024 – the service date of the defendants' MSJ – Rule 37 does not require evidentiary sanctions, such as the one plaintiffs implicitly suggest, for untimely production of responsive records. *See Fed. R. Civ. P. 37; Van Steenwyk v. Van Steenwyk*, 2022 U.S. Dist. LEXIS 17781, at *10-11 (C.D. Cal. July 11, 2022). Rather, Rule 37 evidentiary sanctions are implicated by non-production, not late production. *See id.*

Similarly, Rule 56(d) additional discovery is not available where, as here, the recordings at issue were produced before plaintiffs' opposition was due – and on the service date of the MSJ. *See Fed. R. Civ. P. 56(d)(2); see Jones v. Blanas*, 393 F.3d 918, 930 (9th Cir. 2004). The issue plaintiffs raise here is that they did not have the discovery earlier, not that they need more time to get the discovery now. Moreover, in compliance with Fed. R. Civ. P. 26(e), we have also produced transcripts of the recordings at issue: to further facilitate the utility of the recordings produced.

Plaintiffs have failed to cite, and we are unaware of any other, a lawful basis for striking any exhibits to MSJ simply because they were produced with the MSJ, but were not produced in discovery where, as here, plaintiffs never timely challenged the alleged non-production by MTC and Defendants complied with their initial disclosure duties.

Accordingly, there are no grounds for striking the MSJ exhibits here, and thusly defendants will not stipulate to such.

Plaintiffs' Counsel

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Page 4

Plaintiffs Cannot Identify Any Prejudice Resulting From The Allegedly Untimely Production.

Moreover, even if Defendants were not in compliance with Fed. R. Civ. P. 26(a) or (e) (which they are), the failure to provide copies of these audio interviews was substantially justified and harmless. First, as noted above, we were not on notice that copies of these audio interviews had not been provided to Plaintiffs, despite being identified in Defendant City of Anaheim's initial disclosures, until July 18, 2024, when you notified us of the same. Upon on such notification, copies of these audio interviews had *already* been provided and we are now providing copies of the transcripts on the same day of the notification. Second, because these audio interviews were provided with Defendants' MSJ, Plaintiffs were placed on more enough notice to successfully oppose the MSJ by the filing deadline of July 29, 2024; and there is thus no prejudice to Plaintiffs in regards to other proceedings as well, as the Parties are currently discussing a continuance of the trial date in this matter.

In sum, while Defendants apologize for any inadvertent error in reasonably believing that Plaintiffs were provided with all of the documents listed in Defendant City of Anaheim's initial disclosures and although we were not put on notice that such production did not occur until today, July 18, 2024, this error has now been remedied and there is no prejudice to Plaintiffs or applicable rule or law that requires that subject exhibits be stricken and no longer used in support of Defendants' MSJ. Thus, Defendants are unwilling to file a Notice of Errata or agree to any striking.

Respectfully,

Abigail McLaughlin

Tony M. Sain

Tori L.N. Bakken

Abigail J.R. McLaughlin

LEWIS BRISBOIS BISGAARD &
SMITH LLP

Encl.: Audio Interview Transcripts via box.com link and password